

REMARKS

I. Response to the restriction requirement

The Examiner gives a two-way restriction:

Group I: Claims 1-7, 10-16, 19, 20, 23 and 24, drawn to a polymerization process.

Group II: Claims 8, 9, 17, 18, 21, 22, 25, and 26, drawn to a polymer product.

Applicants has elected Group I for prosecution and cancelled claims of Group II. Applicants reserve the right to reintroduce the cancelled claims in a divisional application.

II. Rewriting allowable claims in independent form

The Examiner has deemed claims 3-6 and 16 allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Note that claim 1 is the base claim, and claim 2 is an intervening claim, of claim 3. Applicants have incorporated the limitations of claims 2 and 3 into claim 1. Amended claim 1 is therefore allowable. Claims 2 and 3 are cancelled. Applicants have also made claims 4-6 depending from claim 1. Thus, claims 4-6 are allowable. Original claim 7 depends from claim 1, which is also allowable.

Similarly, Applicants have incorporated the limitation on the late transition metal complex of claim 16 into claim 10. Amended claim 10 is thus allowable. Claims 13-16 depend from claim 10 and they are therefore allowable.

III. Rejections of claims 19-20 and 23-24

The Examiner has rejected claims 19-20, and 23-24 under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. Nos. 6,620,759 and 6,174,975. Applicants respectfully traverse the Examiner's rejections of these claims for the reason which follows.

Claims 19-20 define a process for making vinyl ester and C₂₋₁₀ α -olefin copolymers. An essential element of the claims is "at least one vinyl ester."

Claims 23-24 define a process for making hydroxyl functional polymers. An essential element of the claims is "a hydroxy-functional monomer selected from the group consisting of hydroxyalkyl acrylates, hydroxyalkyl methacrylates, allylic alcohols, and alkoxyated allylic alcohols."

Neither vinyl ester monomer of claims 19-20 nor hydroxyl functional monomer of claims 23-24 can be found from either the '759 patent or the '975 patent.

First, the '759 patent is silent on "vinyl ester" and "hydroxyl functional monomer." In the Details of the Invention, the '759 patent discloses: "Monomers useful herein include ethylene, propylene, other α -olefins of the formula R⁶⁷ CH=CH₂, wherein R⁶⁷ is n-alkyl containing 2 to about 20 carbon atoms, cyclopentene, styrenes and norbornenes. Preferred monomers are ethylene, propylene and cyclopentene, and ethylene is especially preferred." *See col. 10, lines 34-39.* Clearly, the '759 patent is silent on the use of vinyl esters or hydroxyl functional monomers.

Second, in the Summary of the Invention, the '975 patent defines "an olefin selected from one or more of R⁶⁷CH=CH₂, cyclopentene, a styrene, a norbornene or H₂C=CH(CH₂)₅CO₂R⁷⁷, . . . R⁶⁷ is hydrogen, alkyl or substituted alkyl; R⁷⁷ is hydrocarbyl or substituted hydrocarbyl; . . ." *See col. 1, line 27 to col. 3, line 63.* Again, the '975 patent is silent on the use of vinyl esters or hydroxyl functional monomers.

Therefore, neither the '759 patent nor the '975 patent anticipates claims 19-20 and 23-24. Nor can these references make the claims obvious because these references do not fairly teach or suggest using a late transition metal catalyst to make vinyl ester/olefin copolymers or hydroxyl functional copolymers.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejections of remaining claims 1, 4-7, 10-16, 19-20, and 23-24. Applicants respectfully invite the

Examiner to phone their attorney, Shao-Hua Guo, at (610) 359-6059 if a discussion of the application might be helpful.

Respectfully submitted,
Jia-Chu Liu et al.

By: *Shao-hua Guo*

Shao-Hua Guo
Attorney for Applicants
Reg. No. 44,728
Lyondell Chemical Company
Phone: (610) 359-6059
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Customer Number: 24114